

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GUS GAGASOULES, et al.,

Plaintiffs,

-against-

ORDER
CV 08-2409(ADS)(ARL)

MBF LEASING, LLC, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiffs' renewed letter application seeking to compel the defendants to respond to their requests for documents dated March 11, 2009 and February 12, 2010. Defendants oppose the application. Plaintiffs' request for the court to consider a reply to Defendants' opposition is denied.

Plaintiffs' requests have already been the subject of a number of applications as well as court conferences. At every turn this court has attempted to learn the specifics of plaintiffs' discovery objections and has met with nothing beyond generic statements that the defendants have failed to provide meaningful responses. Plaintiffs' assertion is belied by the fact that the defendants have now provided both their lease and business databases in response to plaintiffs' various discovery requests. Most recently, in an effort to understand the specifics of the plaintiffs' objections, the undersigned in an order dated September 7, 2010, instructed the plaintiffs to set forth the specific requests and the corresponding responses that they believed were deficient. Again plaintiffs have failed to do so. Claiming that they were bound by page limits, the plaintiffs simply provided the court with a general description of their requests and made no attempt to itemize the defendants' responses or any deficiencies. It is apparent to the court that plaintiffs have not secured the technical assistance they appear to need to review those materials and instead want the defendants to change their database format. Inasmuch as the database and format are the business method employed by MBF for maintenance of its records and the plaintiffs have been provided the ability to search these files, the defendants appear to have met their discovery obligations. Accordingly, plaintiffs' application seeking to have the defendants present a new format is denied.

The plaintiffs will be given one final opportunity to renew their application and submit a detailed, item by item description of each specific interrogatory and/or document request, the corresponding response, and any alleged deficiencies. Given that the plaintiffs have been in possession of the database for approximately eight months, the court finds that the plaintiffs should be in a position to submit their renewed application on or before October 29, 2010.

Additionally, the court notes that in response to plaintiffs' request for descriptive information for the list of 560 e-mail users of the CCS database initially provided to plaintiffs, defendants state they have provided plaintiffs with an updated list to include the titles of each of

the individuals listed thereon. Accordingly, that request is moot.

With respect to plaintiffs' second request for documents, defendants contend that this request for interrogatories was not properly served, but have agreed to respond to the interrogatories. Accordingly, plaintiffs are directed to properly serve their second request on defendants, and upon receipt of the request, defendants are directed to respond to the interrogatories in a timely manner.

To the extent that the defendants seek to have the court address certain alleged deficiencies in the plaintiffs' responses to their requests, the defendants are directed to submit a separate letter application to the court pursuant to Local Rule 37.3 which will be dealt with in a separate order.

Dated: Central Islip, New York
October 22, 2010

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge